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**FILED**  
DISTRICT COURT OF GUAM

FEB 17 2006 *MP*

MARY L.M. MORAN  
CLERK OF COURT

IN THE DISTRICT COURT OF GUAM

ROBERT J. DEL ROSARIO,

CIVIL CASE NO. 04-00028

Plaintiff,

TRIAL BRIEF

vs.

JAPAN AIRLINES INTERNATIONAL  
CO., LTD.,

Defendant.

\_\_\_\_\_ /

COMES NOW Plaintiff, by and through counsel, and for Plaintiff's Trial Brief  
states as follows:

**Factual Contentions:**

The parties have stipulated that Defendant was negligent in permitting food carts to collide with Plaintiff's body upon the takeoff of one of its planes. Plaintiff will prove that he suffered injuries as the result of this contact. He suffered injury to foot, knee and back. He sought treatment for these injuries and incurred medical bills. As a proximate result of the accident, Plaintiff also suffered mental injuries, loss of enjoyment of life, and lost wages.

**ORIGINAL**

**Issues of Law:**

As a result of Pretrial Stipulation No. 1 entered into by the parties, the issues of law have been greatly reduced. In Plaintiff's estimation, the real issues are factual. Negligence is stipulated to. The question of causation remains: did the accident cause the injuries and damages complained of, however, this more in the nature of factual issues and not legal issues. The legal issue which could possibly remain is whether there exists proximate cause in the legal sense. However, this issue at this time is theoretical only.

**Evidentiary Problems:**

Plaintiff anticipates no evidentiary problems. The parties are working together cooperatively in this regard.

**Abandonment of Issues**

Plaintiff Melanie Del Rosario has dismissed her claim for Loss of Consortium.

Respectfully Submitted,

LAW OFFICES OF GORMAN & GAVRAS

Date: February 17, 2006

BY: 

WILLIAM L. GAVRAS, ESQ.  
Attorneys for Plaintiff  
ROBERT DEL ROSARIO

**CERTIFICATE OF SERVICE**

I certify that I will cause to be served upon Carlsmith Ball LLP a true and correct copy of this document on or before February 17, 2006.

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BY: 

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